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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/883,703	06/18/2001	Craig Carroll	SCP 00.01	1038
27667	7590	09/21/2004	EXAMINER	
HAYES, SOLOWAY P.C. 130 W. CUSHING STREET TUCSON, AZ 85701			NGUYEN, TAI T	
			ART UNIT	PAPER NUMBER
			2632	

DATE MAILED: 09/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/883,703

Applicant(s)

CARROLL, CRAIG

Examiner

Tai T. Nguyen

Art Unit

2632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3,5,8-14,16,19 and 20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,5,8-14,16,19 and 20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the plurality of transmitters and/or receivers must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

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***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 9 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 9 recites the limitation "said fixed structure" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim.

It appears that applicant intended claim 9 to depend upon claim 8.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-3, 5, 8-11, 16, and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murray et al. (US 5,086,290) in view of Davies (US 4,924,211).

Regarding claim 1, Murray et al. disclose an identification system (figures 1-2) comprising:

a plurality of transmitters (10, col. 1, lines 28-53), each transmitter being configured to transmit only a single unique coded signal comprising a unique identification code corresponding only to the transmitter (col. 2, lines 13-16); and

at least one receiver (24, figure 2) being configured to receive only one signal whereby to establish a comparison indication based on comparison on the unique identification code with a unique reference code, wherein the receiver is programmed to respond positively to the unique identification code that matches the receiver with only one of the transmitters (claim 4). Murray et al. disclose everything claimed except for the specific use of a plurality of receivers and each of the receivers having a programmable memory for storing the unique reference code and each receiver including a user interface configured to program the memory. Davies teaches a plurality of receivers (10a, 10b, 14) responding to a plurality of transmitters (12a, 12b), each receiver and transmitter having a unique programmable identification code corresponding to each other respectively (col. 5, lines 4-20), wherein the receiver comprises a programmable memory (98) for storing an unique reference code and each receiver includes a user interface (80) configured to program the memory (figure 1; col. 6, lines 40-66). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the plurality of receivers and user interface as taught by Davies in the system disclosed by Murray et al. for the purpose of enabling the system to be used with a plurality of independent users and programming an identification code in the memory to correspond to each individual user.

Regarding claims 2 and 10, Murray et al. disclose positive indication if the unique code transmitted corresponds to the code received (see abstract).

Regarding claim 3, Murray et al. disclose the system providing no output if the unique code transmitted does not correspond to the code received (see abstract).

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Regarding claim 5, Murray et al. disclose the at least one receiver having a controller (34) communicating with an indicator (36, 38, 40) providing an indication based on the comparison of the unique identification code with the unique reference code stored in memory (col. 4, lines 3-28).

Regarding claims 8-9, Murray et al. disclose everything claimed except for the receivers being mounted to a fixed structure/wall. Davies teaches the receivers being mounted within a house (figure 2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to mount the receivers to wall of the house for the purpose of rigidly fixing the monitor location.

Regarding claim 11, refer to claim 1 above.

Regarding claim 16, refer to claim 5 above.

Regarding claims 19-20, refer to claims 8-9 above.

6. Claims 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murray et al. (US 5,086,290) in view of Davies (US 4,924,211) as applied to claim 1 above, and further in view of Radomsky et al. (US 6,211,790).

Regarding claim 12, Murray et al., as modified, disclose everything claimed except for the transmitter being coupled to an identification band coupled to an associated infant. Radomsky et al. teach a transmitter (400) being coupled to an identification band (304) coupled to an associated infant (figure 11; col. 10, lines 10-30). It would have been obvious to one of ordinary skill in the art at the time the invention

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was made that the transmitter of Murray et al., as modified, could have been used with an infant, as suggested by Radomsky et al. for the purpose of monitoring an infant.

Regarding claim 13, refer to claim 2 above.

Regarding claim 14, refer to claim 3 above.

### ***Response to Arguments***

7. Applicant's arguments with respect to claims 1-3, 5, 8-14, 16, and 19-20 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tai T. Nguyen whose telephone number is (571) 272-2961. The examiner can normally be reached on Monday-Friday from 7:30am-5:00pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J. Wu can be reached on (571) 272-2964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Tai T. Nguyen', with a long horizontal flourish extending to the right.

Tai T. Nguyen  
Examiner  
Art Unit 2632